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Counterclaimant Summit Entertainment,
LLC

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

**BETWEEN THE LINES
PRODUCTIONS, LLC a California
limited liability company.**

Plaintiff.

V.

LIONS GATE ENTERTAINMENT CORP., a British Columbia corporation, and SUMMIT ENTERTAINMENT, LLC, a Delaware limited liability company,

Defendants.

Case No. 2:14-cv-00104-R (PJWx)

**DEFENDANT AND
COUNTERCLAIMANT SUMMIT
ENTERTAINMENT, LLC'S
NOTICE OF MOTION AND
MOTION *IN LIMINE* NO. 10 TO
EXCLUDE EXHIBIT 29 AND
OTHER SIMILAR EVIDENCE
RELATED TO WARNER
BROTHERS DIGITAL
DISTRIBUTION**

Hon. Judge Manuel L. Real

Hearing Date: November 25, 2014
Time: 9:00 a.m.
Ctrm: 8

Complaint filed: Dec. 16, 2013
Counterclaims filed: Jan. 27, 2014
Trial Date: Nov. 25, 2014

1 TO THE ABOVE-CAPTIONED COURT AND TO PLAINTIFF AND ITS
2 ATTORNEYS OF RECORD:

3 PLEASE TAKE NOTICE that on November 25, 2014 at 9:00 a.m., or at
4 another date and time as ordered by the Court, in the United States District Court,
5 Central District of California, located at 312 North Spring Street, Los Angeles,
6 California 90012-4701, Defendant and Counterclaimant Summit Entertainment,
7 LLC¹ (“Summit”) will and hereby does move this Court for an order precluding
8 Plaintiff and Counter-Defendant Between the Lines Productions, LLC (“BTL”) from
9 introducing Exhibit 29 (including all sub-exhibits) and related testimony and
10 evidence in an attempt to establish facts about Warner Brothers Digital Distribution.

11 This motion is made on the grounds that the evidence is irrelevant because
12 there is no evidence that Warner Brothers Digital Distribution was ever presented
13 with or agreed to distribute *Twiharder*. Furthermore, Exhibit 29 (including all sub-
14 exhibits) is inadmissible hearsay and BTL has no witnesses who can testify about
15 Warner Brothers Digital Distribution or the purported facts contained in Exhibit 29
16 (including all sub-exhibits) from personal knowledge.

17 This motion is based on this notice of motion and motion, the memorandum
18 of points and authorities filed concurrently herewith, all pleadings, papers and other
19 documentary materials in the Court’s file for this action, those matters of which this
20 Court may or must take judicial notice, and such other matters as this Court may
21 consider in connection with the hearing on this matter.

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26¹ On October 20, 2014, the Court granted Defendant Lions Gate Entertainment
27 Corp.’s (“Lions Gate”) motion for summary adjudication as to all claims against it.
28 (Dkt. 95.) Lions Gate is no longer a party to this action.

This motion is made following the conference of counsel pursuant to Local Rule 7-3, which took place on October 21, 2014. (Bost Decl. ISO MIL No. 1 ¶ 6.)

Respectfully submitted,

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

Dated: October 28, 2014

By: /s/ Jill M. Pietrini

Jill M. Pietrini

Attorneys for Defendant and Counterclaimant

1 PROOF OF SERVICE
2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES
3

4 At the time of service, I was over 18 years of age and **not a party to this**
5 **action.** I am employed in the County of Los Angeles, State of California. My
6 business address is 1901 Avenue of the Stars, Suite 1600, Los Angeles, CA 90067-
7 6055.
8

9 On October 28, 2014, I served true copies of the following document(s)
10 described as **DEFENDANT AND COUNTERCLAIMANT SUMMIT**
11 **ENTERTAINMENT, LLC'S NOTICE OF MOTION AND MOTION IN**
12 **LIMINE NO. 10 TO EXCLUDE EXHIBIT 29 AND OTHER SIMILAR**
13 **EVIDENCE RELATED TO WARNER BROTHERS DIGITAL**
14 **DISTRIBUTION** on the interested parties in this action as follows:
15

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1 BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed
2 the document(s) with the Clerk of the Court by using the CM/ECF system.
3 Participants in the case who are registered CM/ECF users will be served by the
4 CM/ECF system. Participants in the case who are not registered CM/ECF users will
5 be served by mail or by other means permitted by the court rules.
6

7 I declare under penalty of perjury under the laws of the United States of
8 America that the foregoing is true and correct and that I am employed in the office
9 of a member of the bar of this Court at whose direction the service was made.
10

11 Executed on October 28, 2014, at Los Angeles, California.
12

13 _____
14 /s/ Latrina Martin
15 Latrina Martin
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